

**Minutes  
Windsor Town Council Meeting  
Town Hall  
June 8, 2010**

The Windsor Town Council met in regular session on June 8, 2010 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Marvin A. Crocker, Jr. was present, and he called the meeting to order. He welcomed those who were present. He asked for anyone with cell phones to please turn them off. He asked the Clerk to call the roll. Robin Hewett, Town Clerk, recorded the minutes. Michael Stallings, Town Manager, Interim Police Chief Reynolds, Dennis Carney, Planning and Zoning Administrator, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present:

- J. Clinton Bryant
- Wesley F. Garis
- William L. Jones
- Carita J. Richardson
- Durwood V. Scott
- Greg Willis

Mayor Crocker asked Councilman Scott to give the invocation, and Councilman Scott did.

## **Public Hearing**

None

## **Delegations, Public Comments, and Citizens Concerns**

Bobby Claud, 26 Holland Drive said he would like to publicly thank Mayor Crocker and Vice Mayor Jones for the time they spent for the Town while serving on Council. He said he would also like to congratulate the newly elected officials. Mayor Crocker said he would like to state for the record that Mr. Claud serves on the Board of Supervisors as Chairman of the Board and also a former Mayor of the Town of Windsor. He thanked Mr. Claud for his comments.

Glyn Willis, 24291 Lovers Lane, said he would like to extent his appreciation to Mayor Crocker and Vice Mayor Jones for the service provided to the Town. He said their dedication is appreciated. He said as a citizen of Windsor he extents his thanks for the work they have done while on Council.

## **Consent Agenda**

Mayor Crocker asked for a motion to approve the consent agenda, which included the minutes of the May 11, 2010 Council meeting, the minutes of the

May 25, 2010 Council meeting, and the Treasurer's reports with one correction which everyone has received. Councilman Garris made a motion to approve the consent agenda as presented. Vice Mayor Jones seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

## **Town Manager's Report**

### ***Council Meeting Dates for 2010/2011***

Mr. Stallings said in Council's agenda packet is a schedule of meetings for the fiscal year 2010-2011. He said each year Council adopts its schedule of meetings for the upcoming year. He said he would like to note the work session of July 8<sup>th</sup> and the rescheduled Council meeting on July 22<sup>nd</sup>. He said he would recommend that Council adopt this schedule of meetings for the upcoming year.

Councilwoman Richardson made a motion to adopt the schedule of meetings for the fiscal year 2010-2011. Councilman Bryant seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

### ***Budget Transfers***

Mr. Stallings said there are two budget transfers for Council's consideration. He said the first transfer is for \$2,500 from the General Fund General Management Professional Services to General Management Information Technology. He said this transfer is needed due to some unforeseen computer issues experienced in recent months that are above and beyond the routine services provided for in this line item. He said there were two computers that "crashed" within the last month.

Mr. Stallings said the second transfer is in the Public Works Department of the General Fund. He said the transfer is for \$1,100 from the Part Time/Temporary Help line item to Public Works Health Insurance. He said this transfer is needed due to an employee changing from single to dual coverage. He said he would recommend that Council approve the two budget transfers in the General Fund. Mayor Crocker asked about the condition of the computers in the office. Mr. Stallings reported that there are several computers in the front office that need upgrading or replacing. He said this is something that he will be looking at for the upcoming fiscal year. He said the rest of the computers in the building are in good shape. Mayor Crocker asked how old the computers were. Mr. Stallings said they are at least four or five years old.

After discussion, Councilwoman Richardson made a motion to approve a General Fund budget transfer of \$2,500 from account number 4-100-12100-3100 General Management – Professional Services to account number 4-100-12100-4100 General Management – Information Technology and a General Fund budget transfer of \$1,100 from account number 4-100-41000-1311 Public Works – Part Time/Temporary Help to account number 4-100-41000-2300 Public Works

– Health Insurance. Councilman Bryant seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Councilman Scott made a motion to go into closed session for personnel issues. Councilman Bryant seconded. After discussion, the second and motion was withdrawn and restated. Councilman Scott made a motion to temporarily bypass the Town Manager items 6c through 6j until after the closed session on the agenda. Councilman Bryant seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

### **Police Chief's Report**

Interim Police Chief Reynolds said for the month of May there were a total of 178 calls. He said there were a total of 225 traffic stops which resulted in 209 traffic summons and 15 warnings. He said there was one DUI arrest and two wanted persons arrested through traffic enforcement. He said the department conducted 167 patrol checks within the Town. He said there is one special note that he would like to bring to Council's attention which was a situation involving Officer Tarkington, Officer Stephens, and Officer Owens. He said included in the report is a summarization of the situation. Interim Police Chief Reynolds said that because of the Officers' actions an individual's life was saved during a hostage situation. He said these officers performed incredible acts of heroism and bravery, just as they do every day, which shows how truly committed they are to the department and the Town.

Mr. Stallings said he would also like Council to know that he received a call from a resident regarding this situation, and they wanted Council to know that they appreciate everything the Officer did, and the way the situation was handled. Councilwoman Richardson thanked Interim Police Chief for his in-depth report.

### **Town Attorney's Report**

Mr. Pretlow said he asked Mr. Stallings to include in the Council packets a copy of the MOU that the Town has with the Isle of Wight County Sheriff's Department. He said this is so that Council is aware of the MOU, and he would recommend Council looking at it with the thought of giving a 90-day termination notice given the situation currently taking place in the County. He said he feels the Town needs to separate ourselves from that situation, and let the Town Police Department take care of themselves. He said this MOU was put in place back when the Town did not have much, if any, of a police department.

Mr. Pretlow said the Mayor asked him to comment on an item he received recently. He said the Community Electric Cooperative had a filing done as part of all the coops in the State. He said this filing refers to stand-by service provided by electric utility for customers that operate a co-generation facility in the Commonwealth that generates renewable energy. He said this is basically

saying that the Cooperative will produce energy on a stand-by basis. He said there is not a co-generation facility in this area. He said the Town does not have any customers within the Town limits of the Cooperative.

Mr. Pretlow said he would also like to take a moment to thank Mayor Crocker for his years of service, and to say it has been a pleasure working with Mayor Crocker. He said he has always been a gentleman in everything he has worked on.

### **Mayor's Report**

Mayor Crocker said the Board of Supervisor's Action List for May 27<sup>th</sup> is in the town office for anyone who wishes to review it. He said he asked the Town Manager to include hurricane preparedness to the agenda. He said he read an article in the local newspaper that the weather experts expects 14-23 named storms and 8-14 hurricanes category three or stronger. He reviewed the problems the Town had from hurricane Isabelle. He said he would recommend that Council discuss this issue further at the July 8<sup>th</sup> work session. Mayor Crocker asked what will Council do in case of an emergency. He said if you do not prepare, you could find yourself in deep trouble.

### **Economic Development Authority**

Councilman Scott said the Authority met on June 7<sup>th</sup>. He said the guest speaker was unable to attend the meeting. He reviewed several items the Authority discussed at its meeting. He said they discussed the welcome signs for the Town and the need to replace the signs. He said the Authority needs some direction from Council, at some point, as to how much money it wants to spend on new welcome signs for the Town.

Councilman Scott said there is \$1,000 in the current budget that he would like to recommend to rollover into the upcoming fiscal year budget. He said this will give the Authority more funds to use on the brochure it is developing for the Town. He said the next meeting is scheduled for July 12<sup>th</sup>.

Councilman Scott made a recommendation from the Authority that Council approve to rollover \$1,000 from the 2009/2010 budget to fiscal year 2010/2011 budget. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5. Mr. Stallings explained to Council that this would be a prior fund balance revenue amount that will be added to the proposed budget for the Economic Development Authority.

### **Other Reports**

Councilwoman Richardson said she had an item from Planning Commission. She said this is in regards to the funds in the County's Six-Year Plan for

sidewalks for the Town. She said she has discussed this issue with Economic Development and they recommended constructing sidewalks down Route 460 to Food Lion. She said Planning Commission discussed sidewalks at its last meeting and they also agreed with constructing sidewalks down Route 460. She said Mr. Stallings has advised to use the funds for the engineering work necessary for this project and then use any remaining funds for the actual construction of sidewalks.

Councilwoman Richardson made a recommendation from Planning Commission to use the funds in the County's Six-Year Plan, which is approximately \$200,000, designated for the Town to begin the sidewalk project from the Town Office east on Route 460 to Food Lion. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

Councilwoman Richardson said she would like to start the planning process for the sidewalks at the July 8<sup>th</sup> work session. Mr. Stallings said the plan is to develop a plan for the sidewalks, which will be the drawing Council approved for the stimulus project sidewalks. He said the County Board has to endorse the plan, and then it will go to VDOT from there to work with them on the engineering and construction phases of the project.

### **Planning Commission**

Mr. Carney said the May Planning and Zoning report shows that two zoning permits were issued and 35 notices of violation for inoperable vehicles and tall grass. He said Planning Commission had a very productive work session in May. He said it discussed the frame work of how the zoning ordinance could be improved and made easier to read. He said Planning also discussed a possibility of a new zoning district that would address Planned Unit Development. He said he also got some direction from Planning Commission on how to deal with tall buildings, antennae, and communication towers.

Mayor Crocker said the next Planning Commission meeting is scheduled for June 23, 2010 at 7:00 p.m.

### **Old or Unfinished Business**

Vice Mayor Jones said he would like to reconsider negotiating a lease with the Post Office. He said having the Post Office in Town is beneficial for the residents and for the Town. He said it is approximately one cent on the tax rate if the Town loses the revenue from the Post Office.

Vice Mayor Jones made a motion that the Town enters into negotiations with the Post Office to renew the lease for three years with an additional two-year option. Councilman Willis said he will second the motion for the sake of discussion.

Council discussed different options for the lease, such as a year-to-year lease. Council also discussed the concerns of the parking and the condition of the building and the costs of renovating the building for a police station. After discussion and advice from the Town Attorney the second and motion was withdrawn and restated.

Vice Mayor Jones made a motion to negotiate a lease with the Post Office for a term not to exceed five years. Councilman Willis seconded. After further related discussion, Mayor Crocker called for the question and the motion failed four to two as recorded on the attached chart as motion #7.

### **New Business**

None

### **Closed Session**

Councilman Willis made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-1 for personnel matters regarding employees' salaries and appointed personnel, A-3 for the purpose of discussing real estate matters regarding purchase of property within the Town of Windsor, and A-7 for probable litigation regarding the Town well. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

Mayor Crocker asked the newly elected officials to stay in closed session and everyone else was asked to leave the room.

Councilwoman Richardson made a motion to go back into regular session. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

Councilman Garris made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10.

### **Town Manager Report (Continued)**

#### ***Pick Up of Employees' Contribution to the Virginia Retirement System***

Mr. Stallings said the next item under the Town Manager's Report is the pick-up of employees' contribution to the Virginia Retirement System. He said as Council

may be aware, the Virginia General Assembly, in its 2010 session passed legislation that allows localities to require employees to pay the five percent (5%) member contribution to the Virginia Retirement System (VRS). He said this legislation only applies to employees that are hired after July 1, 2010 and have no prior VRS service. He said this legislation does not affect existing employees.

Mr. Stallings said the Town currently pays the five percent member contribution for all its employees. He said Council has the option to do so for all employees hired in the future. He said in order for the Town to pay the five percent member contribution, Council must adopt a resolution.

Mr. Stallings said he would recommend that Council adopt the enclosed resolution for the Town to pay the five percent member contribution for all employees hired in the future as we currently do for existing employees.

Mayor Crocker asked the Clerk to read the title of the resolution. Ms. Hewett read the title as follows: "A resolution authorizing the pick-up of the employee's contribution to VRS under Section 414(h) of the Internal Revenue Code for Plan 2 employees."

Councilman Willis made a motion to adopt the resolution entitled: *A Resolution Authorizing The Pick-Up Of The Employee's Contribution To VRS Under Section 414(h) Of The Internal Revenue Code For Plan 2 Employees*. Councilman Bryant seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #11.

#### ***Resolution – Appropriation of fund Balance to General Fund***

Mr. Stallings said as Council is aware, Chief Bob Porti recently left the employment of the Town of Windsor. He said in accordance with Town Policy, Chief Porti was paid for unused vacation time. He said the current operating budget for the Police Department is not developed with this expense in mind. Mr. Stallings said he would recommend that Council appropriate the amount of this payout from the unappropriated general fund balance into the Police Department portion of the General Fund operation budget for fiscal year 2009-2010 to offset this expense.

Mr. Stallings said he would recommend that Council adopt the enclosed resolution that appropriates the sum of \$10,257 from the unappropriated fund balance of the General Fund to the General Fund operating budget for fiscal year 2009-2010.

Mayor Crocker asked the Clerk to read the title of the resolution. Ms. Hewett read the title as follows: "A resolution appropriating the sum of \$10,257 from the unappropriated fund balance of the General Fund to the General Fund Operating Budget for fiscal year 2009-2010."

Councilwoman Richardson made a motion to adopt the resolution entitled: *A Resolution Appropriating The Sum Of \$10,257 From The Unappropriated Fund Balance of The General Fund To The General Fund Operating Budget For Fiscal Year 2009-2010*. Councilman Bryant seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #12.

### ***Town Insurance***

Mr. Stallings said staff shopped around to ensure that the Town is receiving the best possible rate on insurance. He said the Virginia Municipal League (VML) as well as our current provider, Manry-Rawls, provided us with a quote to provide insurance coverage to the Town.

Mr. Stallings said both agencies provided quotes on our existing coverage. He said VML's quote provides greater coverage on several items, as well as additional coverage that the Town is currently acquiring through other sources. He said the proposal from Manry-Rawls would cost the Town \$16,837, and the proposal from VML would cost the Town \$14,534. Mr. Stallings said in order to compare "apples to apples"; we must also add several other items to the Manry-Rawls proposal to receive the same coverage that is offered by VML. He said after adding these additional items (Bonds \$300 and VARisk \$864) to the Manry-Rawls proposal, the total cost to continue with Manry-Rawls is \$18,001. He said the Town would experience a savings of \$3,467 by accepting the proposal from VML.

Mr. Stallings said he would recommend that Council authorize the Town Manager to enter into an agreement with VML to provide insurance coverage for the Town of Windsor.

Councilman Bryant made a motion to authorize the Town Manager to enter into an agreement with the Virginia Municipal League to provide insurance coverage for the Town of Windsor. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #13.

### ***Meeting with the Creasons***

Mr. Stallings said after the last Council meeting Vice Mayor Jones, Mr. Pretlow, and he scheduled a meeting with David and Paul Creason to discuss their water system on Old Suffolk Road and Tyler Drive. He said the meeting was held on June 1, 2010. He said at the meeting they discussed the history of the matter, the status of the water line project, and the possibility of the Town making a monetary offer to the Creasons. Mr. Stallings said the monetary offer would not be for the purchase of their water system, as the system has no value to the Town, but would be to offset the losses that the Creasons will experience from the loss of water sales. He said in exchange for this monetary offer the



Creasons would agree to close both of the existing wells, and would convey any and all easements that they have for this system.

Vice Mayor Jones said he has discussed the offer of \$15,000 to get the easements and to have the wells closed. He said this would be more than the Creasons would get from the system in the next three years. Mayor Crocker asked the Town Attorney if the Town does this, would it set precedence for the future. Mr. Pretlow said no it would not be precedence for anything further, because the Creasons are aware that their system is no benefit to the Town. Council also discussed the possibility of having the Creasons take down the well houses when it is time to close off the wells.

Vice Mayor Jones made a motion to have a contract drawn up with the Creasons for \$15,000 for the easements, well closings, and clearing the property. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #14.

### ***Response from Congressman Randy Forbes***

Mr. Stallings said at the time the Council packets were sent out, he had not received a formal response from Congressman Randy Forbes office in response to the Town's letter regarding the Post Office in Windsor. He said in an email this afternoon he received a brief letter from Congressman Forbes office, which was placed before Council, stating that they are continuing to pursue the matter.

### ***Calendar of Events***

Mr. Stallings said the calendar of events is in the Council packets for Council's review. He said he would like to remind Council of the July 8<sup>th</sup> Council Work Session at 5:00 p.m. in the Council Chamber, and also the date change of the regular Council meeting on July 22<sup>nd</sup> at 7:00 p.m. in the Council Chamber. He also reminded Council of the appreciation dinner scheduled for July 19<sup>th</sup> at the Hilton Garden Inn in Suffolk.

Mr. Stallings said there is an Intergovernmental meeting tentatively scheduled for June 16<sup>th</sup> at 5:30 p.m., but as of yet, this has not been confirmed by the Isle of Wight County Officials. He asked Council for any suggestions for agenda topics for this meeting. Council suggested proffers and transportation issues.

### ***Adoption of the Five-Year Capital Improvements Plan and 2010/2011 Operating Budget***

Mr. Stallings said as Council knows, the schedule it approved for the consideration of the proposed Five-Year Capital Improvements Plan (CIP) for the period covered by Fiscal Years 2010-2011 through 2014-2015 and the proposed 2010-2011 Operating Budgets sets this meeting as the time for Council's

adoption of the same. He said he has enclosed each of the resolutions and ordinances for Council's consideration and adoption in order to implement the CIP and the 2010-2011 Budget. Mr. Stallings said he would recommend to have the Clerk read the title of each and Council adopt each ordinance and resolution. He said there is one addition to the budget requested by Council, which is adding \$1,000 to the Economic Development line item from the Unappropriated Fund Balance.

Mayor Crocker asked the Clerk to read the title of the first resolution. Ms. Hewett read the title of the resolution as follows: "A resolution approving and adopting the Five-Year Capital Improvements Plan (CIP) for the period covered by fiscal years 2010-2011 through 2014-2015."

Councilwoman Richardson made a motion to adopt the resolution entitled: *A Resolution Approving And Adopting The Five-Year Capital Improvements Plan (CIP) For The Period Covered By Fiscal Years 2010-2011 Through 2014-2015*. Councilman Scott seconded, and Council passed the motion five to one as recorded on the attached chart as motion #15.

Mr. Stallings said the next resolution is the resolution approving and adopting the Fiscal Year 2010-2011 Operating Budget. Mayor Crocker asked the Clerk to read the title of this resolution. Ms. Hewett read the title as follows: "A resolution approving and adopting the fiscal year 2010-2011 Operating Budget for the Town of Windsor, Virginia and appropriating the requisite fund for said budget."

Mayor Crocker made a motion to adopt the resolution entitled: *A Resolution Approving and Adopting The Fiscal Year 2010-2011 Operating Budget For The Town Of Windsor, Virginia And Appropriating The Requisite Funds For Said Budget*. Councilman Willis seconded.

After a lengthy discussion among Council regarding the proposed raises in the budget, Mayor Crocker called for the question, and Council passed the motion four to three as recorded on the attached chart as motion #16.

Mr. Stallings said the ordinance is to impose and levy taxes with the Town of Windsor, Virginia for the calendar year beginning January 1, 2010 and ending December 31, 2010. He said the tax rates for personal property and real property did not increase. Mayor Crocker asked the Clerk to read the title of the ordinance. Ms. Hewett read the title as follows: "An ordinance imposing and levying taxes within the Town of Windsor, Virginia upon real property, upon Public Service Corporation, upon personal property, upon machinery and tools, and upon mobile homes for the calendar year beginning January 1, 2010 and ending December 31, 2010."

Vice Mayor Jones made a motion to adopt the ordinance entitled: *An Ordinance Imposing And Levying Taxes Within The Town Of Windsor, Virginia Upon Real*

*Property, Upon Public Service Corporation, Upon Personal Property, Upon Machinery and Tools, and Upon Mobile Homes For The Calendar Year Beginning January 1, 2010 And Ending December 31, 2010.* Councilman Willis seconded, and Council passed the motion five to one as recorded on the attached chart as motion #17.

***Other***

Mr. Stallings said that each of the newly elected officials needs to get their paperwork to the Clerk once they have been sworn into office. He some have brought their papers in, but not everyone.

Mayor Crocker thanked Council for their support while serving as Mayor the past eight years. Vice Mayor Jones also commented on his experience while serving on Council.

Vice Mayor Jones made a motion to adjourn. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #18. The meeting adjourned at 10:35 p.m.

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Marvin A. Crocker, Jr., Mayor

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Robin Hewett, CMC  
Town Clerk